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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/809,738

03/14/2001

John Tiano

Tiano

5004

7590

02/26/2003

Donald O. Nickey
8765 Colvin Drive
Plain City, OH 43064

EXAMINER

SHERRER, CURTIS EDWARD

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/809,738	03 14 01	Tiano, John	Tiano

EXAMINER	
C. Sherrer	
ART UNIT	PAPER NUMBER
1761	6

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on 12/10/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the obviousness rejection based on Atkins Shake Mix in light of Atkins Cappuccino Shake Mix label has not been addressed. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Sherrer whose telephone number is (703) 308-3847. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. The fax phone number for this Group is (703)-305-3602.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Curtis E. Sherrer
Primary Examiner
February 21, 2003